

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: von Figura et al.
Serial No: 10/775,678
Confirmation No: 3614
Filed: February 10, 2004
For: A CELL THAT EXPRESSES A SULFATASE AND A
FORMYLGLYCINE GENERATING ENZYME

Examiner: David J. Steadman
Art Unit: 1656

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being electronically transmitted to the United States Patent and Trademark Office on the 2nd day of September, 2008.

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Commissioner for Patents

RESPONSE TO OFFICE COMMUNICATION
MAILED AUGUST 1, 2008

Election/Restriction

In response to the Office Communication mailed August 1, 2008, Applicants elect **Group II** (claims 87-90, 92-96, 98, 102-105, 109-111, and 113), drawn to a sulfatase producing cell, wherein the FGE comprises a subdomain 3 comprising a RVXXGG(A)S motif.

As the Office indicates at page 3, claims 86 and 101 are linking claims that link the four groups set forth in the Communication. Applicants understand that the election/restriction requirement among the linked groups is being made for search purposes only, and that the election/restriction among the linked groups is subject only to the nonallowance of the linking claims (claims 86 and 101). Upon allowance of the linking claims, the election/restriction requirement among the linked groups shall be withdrawn and any claims depending from or otherwise requiring all of the limitations of the allowable linking claims will be rejoined (MPEP § 809). As long as this understanding is correct, the above election is made without traverse.

Applicants note that the Office at page 2 of the Communication states that claims 91 and 106-108 are withdrawn as being drawn to a nonelected invention. However, claims 107 and 108 recite sulfatase producing cells and depend from claim 101. The claims also read on elected Group II. Applicants respectfully request that the Office include and examine claims 107 and 108 as part of elected Group II.

Rejoinder

As Applicants indicated in the Reply to Office Action filed on March 17, 2008, claim 91 depends from and thereby incorporates all of the elements of the elected claims under examination. As previously indicated, upon allowance of the examined claims, Applicants respectfully request rejoinder of claim 91 with the examined claims.

Likewise, claim 106 depends from and thereby incorporates all of the elements of the elected claims under examination. Upon allowance of the examined claims, Applicants request rejoinder of claim 106 with the examined claims.

Species Election

At pages 6-7 of the Communication, the Office requires an election of a species of sulfatase. Applicants elect **(1) Iduronate 2-Sulfatase** as the species of sulfatase.

Claims 86-115 read on the elected species.

Applicants understand that the species election is for search purposes only. Upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise incorporate all the limitations of an allowable generic claim. For example, claims 86 and 101 are generic claims of Group II.

Applicants submit that this reply is being timely filed on September 2, 2008 (as September 1, 2008 was a federal holiday), and that no fees are due. If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. Please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
von Figura et al., Applicant

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